

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	CASE NO. 2:06-cr-0285-WKW
	)	
DARRYL ANDRE KENNEDY	)	
	)	

**ORDER**

This case is before the Court on the defendant's Motion for Continuance (Doc. # 10). The criminal case is currently set for trial during the April 23, 2007 term. For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

The Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Mr. Kennedy in a speedy trial. In support of his motion to continue, Mr. Kennedy represented that additional time is needed to prepare for the defense of the case due to the voluminous discovery, including inaudible videotapes, and his inability to quickly review the

discovery. The government has represented to the court that it is not opposed to a continuance. Furthermore, Mr. Kennedy has waived his right to a speedy trial.

Accordingly, it is ORDERED that the defendant's Motion for Continuance (Doc. # 10) is GRANTED. Trial in this matter is continued from April 23, 2007, to the criminal term of court beginning on August 6, 2007, at 10:00 a.m.

DONE this 20th day of February, 2007.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE